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FAX TRANSMITTAL SHEETNO. OF PAGES (Including this page): 16TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Attn: Mail Stop PATENT EXTENSION
Art Unit: 1646
FAX: (703) 872-9306FROM: Sheela Mohan-Peterson
DATE: September 2, 2004RE: Docket No.: DX01073K
USSN: 09/775,046
Filed: February 1, 2001
Title: Mammalian Cytokines; Receptors; Related Reagents and Methods*Any difficulty with this facsimile, please call: Melanie Lyons at (650) 496-1183*

Documents attached:

- Transmittal (1 page)
- Fee Transmittal, in duplicate (2 pages)
- Application for Patent Term Adjustment (2 pages)
- Application Under 37 CFR 1.705 for Correction of Patent Term Adjustment, with attachments (10 pages)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Mail Stop Patent Extension, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number (703) 872-9306, on September 2, 2004.

Melanie Lyons

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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/775,046
	Filing Date	02/01/2001
	First Named Inventor	Johannes E. M. A. DEBITS
	Art Unit	1646
	Examiner Name	Janet L. Andres
Total Number of Pages In This Submission	16	Attorney Docket Number DX01073K

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form, in duplicate (2 pages) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: 1. Application for Patent Term Adjustment (2 pages) 2. Application Under 37 CFR 1.705 for Correction of Pat. Term Adjustment, w/attachments (10 pgs.) 3. Fax Transmittal Sheet (1 page)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	<i>Sheela Mohan-Peterson</i>
Date	02-sept-2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:			
Typed or printed	Melanie Lyons		
Signature	<i>Melanie Lyons</i>	Date	9-2-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. Department of Commerce

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00)

Complete if Known

Application Number	09/775,046
Filing Date	02/01/2001
First Named Inventor	Johannes E. M. A. DEBETS
Examiner Name	Janet L. Andres
Art Unit	1646
Attorney Docket No.	DX01073K

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number: 04-1239

Deposit Account Name: DNAX Research, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	0
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) \$ 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from Below	Fee Paid
6	-20** = 0	X	
Independent 1	-3** = 0	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) Application for Patent Term Adjustment 200

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 200

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Sheela Mohan-Peterson	Registration No.	41,201	Telephone	1-650-496-6400
Signature	<i>Sheela Mohan-Peterson</i>	Date	02-Sept-2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 02 2004

Appl. No. 09/775,046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DEBETS, et al.

Application No.: 09/775,046

Filed: February 1, 2001

For: Mammalian Cytokines; Receptors;
Related Reagents and Methods

Examiner: J. L. Andres

Art Unit: 1646

Conf. No.: 3164

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MAIL STOP: Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS

**APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR
RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF
ALLOWANCE (37 C.F.R. § 1.705)(b)**

Sir:

1. This is a request for reconsideration of the patent term adjustment of 0 days indicated in the Determination of Patent Term Adjustment Under 35 U.S.C. §154(b) that was attached to the Notice of Allowance mailed on June 7, 2004, in the present case. It is respectfully submitted that Applicants be afforded a patent term adjustment of **262 days**.
2. The issue fee has not yet been paid.
3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Grounds Under 37 C.F.R. § 1.702 For the Adjustment (37 C.F.R. § 1.705 (b) (2)(i) and (ii))".
4. Any patent granted on this application (37 C.F.R. § 1.705 (b) (2)(iii)) is not subject to a terminal disclaimer.
5. As to circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the


Appl. No. 09/775,046

above-identified patent application as set forth in (37 C.F.R. § 1.704 (37 C.F.R. § 1.705 (b) (2)(iv)): there was none (37 C.F.R. § 1.705 (b) (2)(iv) (B).

6. The fee of \$200.00 set forth in (37 C.F.R. § 1.18(e), required by (37 C.F.R. § 1.705 (b) (1)), and any additional fees, may be charged to DNAX Deposit Account No. 04-1239. Any refund in fees may be credited to the same Deposit Account.

Respectfully submitted,

Date: September 2, 2004

By: 
Sheela Mohan-Peterson
Registration No.: 41,201
Attorney for Applicants

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Tel. (650) 496-6400
Tel. (Direct): (650) 496-1244
Fax: (650) 496-1200

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Appl. No. 09/775,046

SEP 02 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DEBETS, et al.

Application No.: 09/775,046

Filed: February 1, 2001

For: Mammalian Cytokines; Receptors;
Related Reagents and Methods

Examiner: J. L. Andres

Art Unit: 1646

Conf. No.: 3164

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MAIL STOP: Patent Extension
Commissioner
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS**STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT: GROUNDS UNDER
37 C.F.R. § 1.702 FOR THE ADJUSTMENT (37 C.F.R. § 1.705 (b)(2)(i) AND (ii))**

Sir:

1. This statement is being submitted in support of the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 C.F.R. § 1.705)" to which this statement is attached.

37 C.F.R. § 1.705 (b)(2)(i)

2. The patent term adjustment shown on the Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b) that was attached to the Notice of Allowance is 0 days. Applicants believe that this determination of 0 days is an error, due to improper calculations based on the entries in "PALM" by the USPTO. It is respectfully submitted that the correct patent term adjustment under 37 C.F.R. § 1.702 is 262 days.

37 C.F.R. § 1.705 (b)(2)(ii)

3. The basis on which Applicants seek adjustment is as follows:

Appl. No. 09/775,046

A. Adjustment is sought for entry number 21 (Non-final Office Action) dated March 11, 2002, which, as the Office's Determination of Patent Term Adjustment acknowledges, is clearly more than the 4-month limit for the PTO to reply under 35 U.S.C. § 132. Accordingly, a **credit of 61 days** is due Applicants (37 C.F.R. § 1.703(a)(3)).

B. Adjustment is sought for the projected issue date of December 14, 2004, which would be 249 days past the 3-Year PTO issue of Patent (37 C.F.R. § 1.702 (b) and 37 C.F.R. § 1.703 (b)). The projected issue date of December 14, 2004, is the Tuesday before the end of 28 weeks from the date of Notice of Allowance. Under the PTO Rules, the 3-year period for issue ends on April 9, 2004. Thus, a **credit of 249 days** is due Applicants.

C. Adjustment is sought under 37 C.F.R. 1.703(e) and 35 U.S.C. 154(b)(1)(C)(iii), from the date a Notice of Appeal was filed, April 1, 2004, until June 6, 2004, when a Notice of Allowance was mailed by the PTO. A **credit of 68 days** is due to Applicants.

Thus, **a total of $249 + 92 + 61 + 68 = 470$ days is due as credit to Applicants.**

D. Subtracting the **debit of 149 days** as shown in PALM and **59 overlap days**, Applicants are entitled to **$470 - 149 - 49 = 262$ total adjustment days.**

Appl. No. 09/775,046

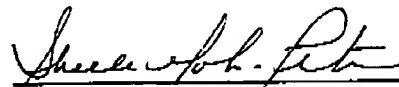
4. A copy of the Analysis Summary Report calculated by a commercial software, Analysis Calendar as well as the Patent Term Adjustment History from PAIR are attached.

Applicants respectfully request a favorable decision on the patent term adjustment of 262 days in this case.

Respectfully submitted,

Date: September 2, 2004

By:



Sheela Mohan-Peterson
Registration No.: 41,201
Attorney for Applicants

Customer No. 028008

DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Tel. (650) 496-6400
Tel. (Direct): (650) 496-1244
Fax: (650) 496-1200



Analysis Summary Report

APPLICATION INFORMATION			
Docket Number:	DX01073K	Analysis Generated:	06/22/2004 05:04:02 PM ET
Application Number:	09/775,046	User Name:	Lyons, Melanie
Filing Date:	02/01/2001	Firm/Company Name:	DNAX Research, Inc.
Title/Inventors:	MAMMALIAN CYTOKINES; RECEPTORS; RELATED REAGENTS AND METHODS; Johannes Eduard Antonius Debets, Rhoon, (NL)		

ALPA TERM ANALYSIS SUMMARY	
Earliest Referenced Application Date:	02 / 01 / 2001
Filing Date (US National Application):	02 / 01 / 2001
Net Adjustment Credits:	411 Days
Net Adjustment Debits:	149 Days
Net Patent Term Adjustment:	262 Days
ALPA Patent Term End Date:	10 / 21 / 2021 (1)
(1) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimers filed in this case, if any, may reduce the term. Without adjustment, the term would end on 02-01-2021.	

<p>D</p> <p>07/02/2002 Restriction / Election-of-Species</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>09/09/2002 Response to Election-of-Species / Restriction Filed</p>	<p>0</p> <p>0</p> <p>0</p>
<p>E</p> <p>09/09/2002 Response to Election-of-Species / Restriction Filed</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p>	<p><i>PTO Response:</i></p> <p>03/11/2003 Non-final Action</p>	<p>0</p> <p>0</p> <p>61</p>
<p>F</p> <p>11/18/2002 Restriction / Election-of-Species</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>12/11/2002 Response to Election-of-Species / Restriction Filed</p>	<p>0</p> <p>0</p> <p>0</p>
<p>G</p> <p>12/11/2002 Response to Election-of-Species / Restriction Filed</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p>	<p><i>PTO Response:</i></p> <p>03/11/2003 Non-final Action</p>	<p>0</p> <p>0</p> <p>0</p>

<p>03/11/2003 Non-final Action</p>	<p>1-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 08/11/2003 Reply after Non-final Action under 37 CFR 1.111</p>	<p>0</p>	<p>61</p>	<p>0</p>
<p>08/11/2003 Reply after Non-final Action under 37 CFR 1.111</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(g) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2)(3).</p>	<p><i>PTO Response:</i> 10/14/2003 Final Rejection</p>	<p>0</p>	<p>0</p>	<p>0</p>
<p>10/14/2003 Final Rejection</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 04/01/2004 Reply after Final Rejection or Action under 37 CFR 1.11(c)</p>	<p>0</p>	<p>78</p>	<p>0</p>
<p>04/01/2004 Notice of Appeal to Board of Patent Appeal and Interferences under 35 USC 134 and 37 CFR 1.191</p>	<p>Exclusion for Appellate Review</p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 1.191 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>	<p><i>Final Appellate Decision:</i> 06/07/2004 Notice of Allowance under 35 USC 151</p>	<p>68</p>	<p>0</p>	<p>0</p>

06/22/2004 05:04:02 PM ET

Page 4 of 5

Docket Number: DX01073K

RULE APPLICATION SUMMARY					
Event	Rule Invoked	Related Event	Excluded Days	Excluded Days	Credit Days
A 02/01/2001 Filing Date under 35 USC 111(a) (US National Application)	14-Month PTO First Action PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).	First PTO Action. 07/02/2002 Restriction / Election-of-Species	0	0	92
B 02/01/2001 Filing Date under 35 USC 111(a) (US National Application)	3-Year PTO Issue of Patent PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule under the PTO Interpretation. Under this interpretation, the last day of the three year period is 04/09/2004. The other interpretation produces a different number of credit days.	Issue Date. 12/14/2004 Issue Date	0	0	249
C 07/05/2001 Notice to File Missing Parts (nonprovisional application)	3-Month Applicant Response to Notice of Action Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	Applicant Response: 10/15/2001 Response to Notice to File Missing Parts	0	10	0

<p>04/01/2004 Notice of Appeal to Board of Patent Appeal and Interferences under 35 USC 134 and 37 CFR 1.191</p>	<p>Credit for Successful Appellate Review</p> <p>Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 1.191 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or 2 civil action under 35 USC 145. 35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</p> <p>You have indicated the patent was issued under a decision reversing an adverse determination of patentability.</p>	<p><i>Final Appellate Decision:</i> 06/07/2004 Notice of Allowance under 35 USC 151</p>	0	0	68
<p>06/07/2004 Notice of Allowance under 35 USC 151</p>	<p>3-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 09/07/2004 Issue Fee Payment under 35 USC 151</p>	0	0	0
<p>09/07/2004 Issue Fee Payment under 35 USC 151</p>	<p>4-Month PTO Issue of Patent</p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(v); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i> 12/14/2004 Issue Date</p>	0	0	0
Total Exclusion, Debit, and Credit Days			68	149	470
Overlap Days			0	0	59
Net Exclusion, Debit, and Credit Days			68	149	411
Net Patent Term Adjustment Days					262
<p>The term of this patent ends on 10/21/2021 (2)</p> <p>(2) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 02/01/2021.</p>					



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/775,046

		Days
Filing or 371(c) Date:	02-01-2001	USPTO Delay (PTO): 92
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 184
Post-Issue Petitions (days):	+0	Total PTA: 0
USPTO Adjustment (days):	+0	Explanation of Calculations

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Publication Review
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Patent Term Adjustment History

	Date	Contents Description	PTO (days)	APPL (days)
1	06-07-2004	Mail Notice of Allowance		
2	06-07-2004	Mail Formal Drawings Required		
3	06-07-2004	Mail Examiner's Amendment		
4	06-04-2004	Issue Revision Completed		
5	06-04-2004	Examiner's Amendment Communication		
6	06-04-2004	Formal Drawings Required		
7	06-04-2004	Notice of Allowance Data Verification Completed		
8	06-04-2004	Notice of Allowability		
9	05-06-2004	Workflow incoming petition IFW		
10	05-06-2004	Workflow incoming amendment IFW		
11	04-08-2004	Date Forwarded to Examiner		
12	04-01-2004	Amendment/Argument after Notice of Appeal		
13	04-01-2004	Notice of Appeal Filed		78
14	04-01-2004	Request for Extension of Time - Granted		↑
15	10-14-2003	Mail Final Rejection (PTOL - 326)		↑
16	10-14-2003	Final Rejection		
17	08-16-2003	Date Forwarded to Examiner		
18	08-11-2003	Response after Non-Final Action		61
19	08-11-2003	Request for Extension of Time - Granted		↑
20	03-11-2003	Mail Non-Final Rejection		↑
21	03-10-2003	Non-Final Rejection		
22	12-30-2002	Date Forwarded to Examiner		

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12-11-2002	Response to Election / Restriction Filed		
11-18-2002	Mail Restriction Requirement		
11-18-2002	Requirement for Restriction / Election		
09-18-2002	Case Docketed to Examiner in GAU		
09-16-2002	Date Forwarded to Examiner		
09-09-2002	Response to Election / Restriction Filed		
09-09-2002	Request for Extension of Time - Granted		
07-02-2002	Mail Restriction Requirement	92	
07-01-2002	Requirement for Restriction / Election	↑	
05-13-2002	Information Disclosure Statement (IDS) Filed	↑	
02-08-2002	CRF Is Good Technically / Entered into Database	↑	
12-17-2001	Case Docketed to Examiner in GAU	↑	
11-20-2001	Application Dispatched from OIPE	↑	
11-19-2001	Application Is Now Complete	↑	45
11-19-2001	Correspondence Address Change	↑	↑
07-05-2001	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑
07-03-2001	Correspondence Address Change	↑	
02-15-2001	FW Scan & PACR Auto Security Review	↑	
02-01-2001	Initial Exam Team nn	↑	

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